

# Making a Statement

## *Mayor Libby Schaaf and the Sanctuary City of Oakland, CA*

### *Epilogue*

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On Saturday, February 24, 2018, Oakland Mayor Libby Schaaf’s office tweeted a press release urging residents to “consult immigration resources due to potential ICE activity.” The message read:

Earlier today, I learned from multiple credible sources that the U.S. Immigration and Customs Enforcement (ICE) is preparing to conduct an operation in the Bay Area, including Oakland, starting as soon as within the next 24 hours.

As Mayor of Oakland, I am sharing this information publicly not to panic our residents but to protect them [. . .]. I know that Oakland is safer when we share information, encourage community awareness, and care for our neighbors.

The press release directed residents to a website with information about individuals’ rights and options and reminded them that the city’s public schools, “have strict protocols in place to protect our students and families.” The statement also noted that California’s recently adopted statewide sanctuary legislation prohibited business owners from assisting ICE and barred federal agents’ access to areas designated “for employees only.” It concluded:

We want residents to prepare, not panic. We understand ICE has used activity rumors in the past as a tactic to create fear; our intent is for our community to go about their daily lives without fear, but [with] resiliency and awareness . . .

I know that Oakland is a city of law-abiding immigrants and families who deserve to live free from the constant threat of arrest and deportation.

I believe it is my duty and moral obligation as Mayor to give those families fair warning when that threat appears imminent.<sup>1</sup>

Oakland’s rapid response network (the Alameda County Immigration Legal and Education Partnership, or ACILEP) swung into action, staffing the hotline, telling volunteers to be prepared to observe and document any ICE actions, and ensuring immigration attorneys would be available to provide services. The San Jose-based Services, Immigrant Rights, and Education Network (SIREN) sent out 2,000 text messages informing immigrants of their legal rights.<sup>2</sup>

## How Dare You?

The mayor's warning escalated an already intense clash between California and the federal government. After the state legislature passed protections for undocumented immigrants in late 2017, making California the first "sanctuary state," ICE Acting Director Thomas Homan had threatened, "California better hold on tight." He promised to send more agents into the state, saying, "If the politicians in California don't want to protect their communities, then ICE will."<sup>3</sup> In January 2018, as rumors of raids were swirling, California Attorney General Xavier Becerra had reminded immigrants of their rights and state and local law enforcement of their duty to comply with state law.<sup>4</sup> Just two days prior to Schaaf's announcement, President Trump had speculated about pulling ICE agents out of California entirely, saying "You would see crime like no one's ever seen crime in this country," and predicting, "in two months [California] would be begging for us to come back." California Governor Jerry Brown had responded, "In California, we protect all of our people from criminals and gangs . . . We do our job, Mr. President. You do yours."<sup>5</sup>

On February 27, ICE announced that it had arrested more than 150 people alleged to have violated immigration laws over the previous four days in Northern California, about half of whom had prior criminal convictions. In explanations of the agency's activities, ICE spokesman James Schwab stated, "ICE does not conduct sweeps or raids that target aliens indiscriminately." However, he also acknowledged a change in policy: "ICE no longer exempts classes or categories of removable aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and . . . removal from the United States."<sup>6</sup>

Acting Director Homan argued that sanctuary cities like Oakland put the public and ICE officers at risk by allowing undocumented immigrants convicted of crimes to return to their communities after serving their time, rather than allowing ICE to make arrests "in the secure confines of a jail." He then claimed that "864 criminal aliens and public safety threats remain at large in the community, and I have to believe that some of them were able to elude us thanks to the mayor's irresponsible decision."<sup>7</sup> The agency released a partial list of individuals targeted in Northern California, including, among others, a number of immigrants with criminal records thought to be in the area who had already been deported several times.<sup>8</sup>

In early March, US Attorney General Jeff Sessions, addressing the California Peace Officers Association in Sacramento, stated "California, we have a problem," and called out Mayor Schaaf by name, saying, "800 wanted criminals . . . are at large in that community." He asked, "How dare you needlessly endanger the lives of our law enforcement officers to promote a radical open borders agenda?"<sup>9</sup> The attorney general called the mayor's action "an embarrassment," and the president called Schaaf "a disgrace."

Schwab, a seventeen-year government employee, resigned abruptly, saying that the statements made by Homan and Sessions were "misleading."<sup>10</sup> "We were never going to pick up that many people," Schwab said. The total arrested, according to Schwab, was actually higher than ICE had expected. "We ended up arresting 232, which was 16 percent higher than our highest estimates. So, internally, that was considered a success, but what they publicly said was that she let people go," he told a

journalist.<sup>11</sup> “To say that 100 percent [of the 864 individuals Homan referenced] are dangerous criminals on the street, or that those people weren’t picked up because of the misguided actions of the mayor, is just wrong.”<sup>12</sup> The agency’s tally of 864 “criminal aliens and public safety threats” made no distinction between individuals who might be violent offenders and those with nonviolent misdemeanor charges. When Schwab sat down with *CBS This Morning* for a taped interview, Homeland Security agents came to the door to shut it down.

Public records eventually showed that of the 233 of the immigrants arrested in the raid, nearly half (111) had no criminal convictions, and only twenty-two had been convicted of a serious crime in the last decade.<sup>13</sup>

## Schaaf’s Response

In a press conference the day after issuing her warning, Mayor Schaaf defended her actions, saying that the Trump administration’s targeting of California’s immigrants was political retaliation. “We have to fight against the racist myth that the Trump administration is trying to perpetuate,” she said, “that immigrants are dangerous criminals [. . .]. It is false. We should not conflate it with our broken immigration system.”<sup>14</sup>

When she expanded on these remarks after the attorney general’s comments in March, she thought carefully about how to strike the right tone. “Part of where I think [the president] is doing so much damage is in his rhetoric, is in his language choice, is in his bombastic style,” explained Schaaf. “So, to find the words and the tone to express a very clear and strong moral message, but to not fall into the trap of name calling was my challenge.” In a press conference, she responded to the attorney general’s challenge: “How dare you vilify members of our community by trying to convince the American people that all undocumented residents are dangerous criminals? . . . How dare you distract the American people from a failed immigration system that tears apart decent families and forces the workers that our economy depends on to harvest our crops, deliver our services, and build our cities to live in fear and work under oppressed conditions. How dare you distort the reality about declining violent crime in a diverse sanctuary city like Oakland, California, to advance your racist agenda.”<sup>15</sup>

The mayor’s office received calls from all over the country, few of which were supportive. “We had to stop answering the phone because it was abusive for my staff,” she said. People posted pictures of her children on social media, writing that they hoped undocumented immigrants would kill them. “It certainly caused a lot of fear for me and many people around me,” she said. “But just as important were these moments where people would come up to me in the most unexpected places with tears in their eyes just thanking me for standing up for their family.” She believed taking a public stand made the city’s immigrant community trust “that their government actually cared about them.”

Over the next several months, the president continued to push the attorney general to bring criminal charges against Schaaf. In May, Representative Steve King<sup>i</sup> of Iowa introduced the

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<sup>i</sup> Representative Steve King has been accused of defending white supremacy. “A resolution of disapproval which quoted King and condemned white supremacy and nationalism” passed the House of Representatives with bipartisan support in

“Mayor Libby Schaaf Act,” which sought to make public officials’ warnings of federal immigration enforcement actions a crime punishable by up to five years in prison.<sup>16</sup> But Schaaf continued to insist that her actions were legal and in line with her obligations as mayor of Oakland. “I was very intentional about not urging people to hide or flee,” she explained. “My message was about knowing your rights and responsibilities, knowing what the law actually is, and also being aware of resources that this community has chosen to provide [. . .]. I felt like the actual message that I put out found a place that allows me to personally reconcile my belief in the rule of law, and my belief in the legitimacy of government, and my responsibility to reflect the values of the community that I serve.”

Though she may not have chosen to be thrust into the national spotlight, Mayor Schaaf felt that it had given her an opportunity to strengthen her case and gather support to protect her City’s residents. “It’s not just what we say, it’s how we say it,” she said. “We have an ability to educate people and to affect their opinion about our action. The *why* is just as important as the *what*.”

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January 2019. (Source: <https://www.desmoinesregister.com/story/news/politics/2019/01/16/iowa-4th-district-rep-steve-king-white-supremacy-nationalism-new-york-times-racism-timeline-explain/2592434002/>)

## Endnotes

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- <sup>2</sup> Sarah Ravani and Evan Sernoffsky, “Oakland Mayor’s Warning Puts Immigrants, Advocates on High Alert,” *San Francisco Chronicle* (SFGATE newsletter), February 25, 2018, <https://www.sfgate.com/bayarea/article/Bay-Area-oakland-ICE-raid-sweep-warn-residents-12707335.php>.
- <sup>3</sup> “Ice Agents Detain Undocumented Immigrants in Several Cities,” February 25, 2018, <https://sanfrancisco.cbslocal.com/2018/02/25/ice-agents-detain-immigrants-in-several-cities/>.
- <sup>4</sup> Brett Samuels, “California AG on Reported ICE Raids: Regardless of Rumors, People Have Rights,” *The Hill*, January 18, 2018, <https://thehill.com/latino/369593-california-ag-on-rumored-ice-raids-regardless-of-rumors-people-have-rights>.
- <sup>5</sup> Jenna Johnson, “Trump Casually Threatens to Pull ICE Officers Out of California to Teach the State a Lesson,” February 22, 2018, [https://www.washingtonpost.com/news/post-politics/wp/2018/02/22/trump-casually-threatens-to-pull-ice-officers-out-of-california-to-teach-the-state-a-lesson/?utm\\_term=.f17530c64bf9](https://www.washingtonpost.com/news/post-politics/wp/2018/02/22/trump-casually-threatens-to-pull-ice-officers-out-of-california-to-teach-the-state-a-lesson/?utm_term=.f17530c64bf9).
- <sup>6</sup> Matthias Gafni, “Major Bay Area ICE Raids Yet to Occur; Oakland Mayor Felt Warning ‘Ethical Obligation,’” *The Mercury News*, February 25, 2018, <https://www.mercurynews.com/2018/02/25/no-reports-of-major-ice-raids-in-bay-area-oakland-mayor-called-warning-her-ethical-obligation/>.
- <sup>7</sup> Meagan Flynn and Avi Selk, “ICE Spokesman Resigns, Citing Fabrications by Agency Chief, Sessions About California Immigrant Arrests,” March 13, 2018, [https://www.washingtonpost.com/news/morning-mix/wp/2018/03/13/ice-spokesman-resigns-over-false-statements-by-top-officials-about-calif-immigrant-arrests/?utm\\_term=.5997511895fb](https://www.washingtonpost.com/news/morning-mix/wp/2018/03/13/ice-spokesman-resigns-over-false-statements-by-top-officials-about-calif-immigrant-arrests/?utm_term=.5997511895fb).
- <sup>8</sup> Riya Bhattacharjee and Damian Trujillo, “ICE Arrests Over 150 in Raids Across Northern California,” NBC Bay Area, February 27, 2018, <https://www.nbcbayarea.com/news/local/News-Rumors-of-ICE-Raids-Fueling-Fear-in-Bay-Area-475347563.html>.
- <sup>9</sup> Flynn and Selk, “Spokesman Resigns.”
- <sup>10</sup> Ibid.
- <sup>11</sup> “CBS News Interview with ICE Whistleblower Interrupted by Surprise Visit from Government Agents,” June 28, 2018, <https://www.cbsnews.com/news/former-ice-spokesman-james-schwab-opens-up-about-resignation-trump-administration/>.
- <sup>12</sup> Jonah Engel Bromwich, “ICE Spokesman Resigns, Saying He Could No Longer Spread Falsehoods for Trump Administration,” *The New York Times*, March 13, 2018, <https://www.nytimes.com/2018/03/13/us/california-ice-spokesman-resigns.html>.
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- <sup>14</sup> “Oakland Mayor Libby Schaaf Defends Her ICE Raid Warning Statement,” *Mercury News*, February 28, 2018, video, 2:34, <https://www.youtube.com/watch?v=NB6wGOkkms>.
- <sup>15</sup> “How Dare You: Oakland Mayor Libby Schaaf Addresses AG Jeff Sessions,” KTVU, March 7, 2018, video, 2:06, <https://www.youtube.com/watch?v=nbVGM8k E>.
- <sup>16</sup> “Congressman Steve King Discusses Need for ‘Mayor Libby Schaaf Act,’” press release, May 23, 2018, <https://steveking.house.gov/media-center/press-releases/icymi-congressman-steve-king-discusses-need-for-mayor-libby-schaaf-act>.